



STATE OF WASHINGTON  
WASHINGTON STATE BOARD OF HEALTH  
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October 6, 2004

**TO:** Washington State Board of Health Members

**FROM:** Carl Osaki, Member

**RE:** **FOLLOW-UP ON DISCUSSION OF ONSITE SEPTIC SYSTEMS OPERATION AND MAINTENANCE IN MARINE COUNTIES**

**Summary**

In March, the Board heard an update on the Onsite Wastewater Rule Development Committee (RDC), which proposed draft language for a revised onsite wastewater treatment rule, chapter 246-272A WAC. The Board also heard from Ron Shultz, natural resource advisor to the Governor. Mr. Shultz conveyed the Governor's concerns that the RDC proposal did not do enough to protect the marine waters from failing and poorly maintained onsite septic systems (OSS). Subsequently, the Board received correspondence expressing similar concerns from State Representative John Upthegrove, Congressman Norm Dicks, and the Pacific Coast Shellfish Growers Association.

At its July 14 meeting, the Board heard a lengthy presentation about a variety of policy issues related to whether it should mandate that local health jurisdictions require operations and maintenance (O&M) inspections as a condition for renewing OSS permits. The presentation discussed limitations on the Board's authority to address environmental issues; the complex and overlapping jurisdictional issues related to OSS regulation; and the difficulties health officers have gaining access to property to inspect systems that may be failing (a copy of the July 14 presentation is attached). Mr. Shultz described a set of principles that guides the Governor's Office policy efforts. He said that if the Board supported those principles but felt it could not meet fully the Governor's request to further strengthen the proposed rule, then it should adopt a resolution stating its support for the principles, identifying the reasons it could not do more, and recommending additional steps. The Board also heard public testimony from local environmental health directors who expressed concerns about the effectiveness of renewable OSS permits.

The Board asked staff to follow up on that discussion. First, it asked for a survey of O&M activities in marine counties so it could better understand what works and what does not. Maryanne Guichard, Director of Environmental Health and Safety for the Department of Health will discuss the results of that survey (attached), and will also review changes to the draft rule since the July meeting. Second, it accepted Board Counsel Melissa Burke-Cain's offer to provide additional information about related legal issues. She will discuss research by the Attorney General's Office. Finally, the Board asked staff to work with key members to draft a resolution that was responsive to Mr. Shultz's request. A draft is attached for the Board's consideration.

**Recommended Board action**

I recommend that the Board consider, amend if necessary, and adopt the following motion.

***The Board adopts Resolution 04-04 and directs staff to transmit it to the Governor and other interested parties.***

Attachments